

Senate Bill 341
March 12, 2013
Presented by Quentin Kujala
House Fish, Wildlife and Parks Committee

Mr. Chairman and committee members, I am Quentin Kujala, Wildlife Bureau Coordinator for the Department of Fish, Wildlife and Parks (FWP). I am here today on behalf of the Director in opposition to Senate Bill 341.

FWP opposes SB 341 as it goes well beyond landowner notice and input and even as amended jeopardizes transplants and augmentations of all fish and wildlife in Montana. And while a portion of the bill applies only to game animals and predators, the majority of the bill applies to any wildlife, as defined on Page 4, line 30 of the bill.

FWP already completes full MEPA analysis for new wildlife transplants and introductions. This includes soliciting and responding to public input.

Augmentations (as defined on Page 4, line 4) do in fact currently enjoy reduced process as they have already undergone MEPA or NEPA and/or have long history of public acceptance and expectation. This bill would hamper if not preclude most fish and wildlife releases to include ongoing routine fish stocking of more than 50 million fish per year, bighorn sheep augmentations of populations devastated by disease, ongoing grizzly bear augmentations identified as ESA mitigation efforts for mining in the Cabinet/Yaak ecosystem, annual release of orphaned bear cubs and 80-100 raptors rehabilitated from injury annually, bear relocations in response to reported conflicts, and ongoing and potential new releases of ESA candidate fish and wildlife species to prevent federal listing.

Specific problems with SB 341 include:

- permanent prioritization of livestock grazing allotments over wildlife and requirements that FWP identify and fund efforts to keep wildlife separate from livestock even on public land;
- limitation to predominately publicly owned or managed lands that precludes private land fish and wildlife release regardless of landowner support, effectively stopping department fish planting of over 145 private fishing ponds that provide public fishing opportunities, the Upland Game Bird Enhancement Program's pheasant release program on private lands that allow public access and release of pheasants and other upland birds on private lands for shooting preserves, dog trials and other private releases of pheasants and other upland birds;
- the complete prohibition on any limitation of any magnitude of any private land use or value that allows veto power to any one landowner of any size and will result in endless challenge and litigation to wildlife releases;
- the requirement to avoid any damage of any magnitude to any private property represents potential cause for the expeditious removal of wildlife;

- the word "coordinate" is not clearly defined relative to ensuring local inputs are "properly reflected" in decisions; and
- the requirement to define any release area overly large in order to include identifiable geographic features.

This bill may have unintended consequences to:

- mining efforts in the Cabinet/Yaak that are contingent upon grizzly bear augmentation as mitigation;
- fish planting efforts in upper watersheds precluded by opposition in the lower stream reaches;
- expensive management plans for routine stocking and augmentation efforts; and
- impacts to nuisance bear relocations as part of black and grizzly bear management.

Because of detrimental impacts to existing wildlife releases that have long history and are widely supported, impacts to potential new releases with real additional benefits, and unforeseen consequences from a bill of this large scope, FWP requests a DO NOT PASS for SB 341.